

Court of Appeals, State of Michigan

ORDER

Timothy R Ash & Assoc PC v Thomas J Brothers

Bill Schuette
Presiding Judge

Docket No. 268655

Peter D. O'Connell

LC No. 2003-051137-CK

Donald S. Owens
Judges

The Court orders that the motion to dismiss pursuant to MCR 7.211(C)(2)(b) is DENIED as premature since appellant was never afforded an opportunity to cure the alleged deficiencies with his brief on appeal. The claim of appeal from the August 11, 2005 judgment in plaintiff's favor is, however, DISMISSED for lack of jurisdiction since defendant failed to pay the \$475 entry and motion fees required to be paid by this Court's March 23, 2006 order. MCR 7.204(C)(2).

Based upon the determination that this Court lacks jurisdiction over the appeal, the motion to affirm is DENIED as moot.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUL 17 2006

Date

Sandra Schultz Mengel
Chief Clerk